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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,303	02/10/2004	Wei-Xin Jiang	16-584	1509

7590

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EXAMINER

FETSUGA, ROBERT M

ART UNIT

PAPER NUMBER

3751

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/775,303

Applicant(s)

JIANG, WEI-XIN

Examiner

Robert M. Fetsuga

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) 15-19 is/are allowed.
6) ☒ Claim(s) 1-14, 20 and 21 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 10 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Art Unit: 3751

1. The disclosure is objected to because of the following informalities: Page 5, line 18, "3" apparently should be --4--.

Appropriate correction is required.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "engages" subject matter set forth in claims 1 (lns. 4 and 11), 10 (lns. 5 and 12), 20 (lns. 5 and 13) and 21 (lns. 4, 9 and 10), the subject matter set forth in claim 3, and the subject matter set forth in claim 6, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Applicant argues at page 11 of the response filed November 25, 2005, with respect to claim 3, the "plunger connector" 60 has internal threads 62 which engage the threaded connection of the tubular member 50. The examiner agrees, however, no "plunger connector" is recited in claim 3. Indeed, the plunger connector is recited in claim 9.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be

Art Unit: 3751

labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Proper antecedent basis for the "cup assembly" set forth in claims 1 and 21, "engages" language set forth in claims 1 (lns. 4 and 11), 10 (lns. 5 and 12), 20 (lns. 5 and 13) and 21 (lns. 4, 9 and 10), "adapted to engage" language set forth in claim 9, "fixed to" language set forth in claim 10, "disengages" language set forth in claim 11, "first end" and "second end" set forth in claim 15, and "base assembly"

Art Unit: 3751

set forth in claim 20, could not be found in the specification. Applicant is reminded claim terminology in mechanical cases should appear in the descriptive portion of the specification by reference to the drawing(s).

Applicant did not substantively address this objection in the response.

4. Claims 1, 4-8, 10-13 and 21 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a tubular member threaded to a cup (assembly), does not reasonably provide enablement for a tubular member which merely engages a cup (assembly). The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims.

Applicant argues at page 12 of the response it is "believed" use of the term "engaged" obviates this rejection, but fails to indicate how or why such is the case. To the extent the argument at page 12 concerning a "one piece" embodiment is being implied here, such reasoning appears non-sequitur as a one piece embodiment could not include the threads of claim 2, for example.

5. Claims 1-8, 10-13, 20 and 21 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which

Art Unit: 3751

was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 1 recites "said second end portion engages said cup assembly". Implementation of this subject matter is neither taught by the instant disclosure nor evident to the examiner. The disclosure explains that the second end portion 52 is threaded to (or "engages") the threaded section 62 of the connector 60. This disclosed subject matter is reflected in claims 9, 14 and 15. However, claims 1, 10, 20 and 21 do not include this disclosed subject matter. Claims 1, 10, 20 and 21 appear to be defining an undisclosed embodiment, as they are presumed not to be of the same scope as claims 9, 14 and 15.

6. Claims 6-8 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 6 recites a second threaded section (46) of the rod (40) as "adapted to engage a threaded opening of the cup

Art Unit: 3751

assembly". This subject matter is not found in the originally filed disclosure and is therefore considered to be new matter.

7. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim is unclear as to what is being defined thereby. The language "the threaded section of the rod second end portion said tubular member first portion" is incoherent.

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-5, 9, 10-14, 20 and 21, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Meyer.

The Meyer reference discloses a plunger assembly comprising: a cup (assembly) 58 including a threaded opening 57; a tubular member 23 including a threaded first end portion 27 and a second threaded end portion 50; a rod 40 including a first end portion 41 and a second end portion 48 having a threaded section (engaging 31); a connector 55; and a handle 47, as

Art Unit: 3751

claimed. Re claim 1, the tubular member second end portion "engages said cup assembly", and the rod first threaded section "threadedly engages" the tubular member first end portion. Re claim 5, the rod threaded section is "disposed on an external surface of the rod." Re claim 21, the rod also includes a threaded second end portion 41 that both "engages" the cup assembly, and "engages" the tubular member.

Applicant argues at page 15 of the response Meyer does not disclose a threaded engagement as set forth in claim 1. The examiner can not agree. The rod threaded section is threaded to the tubular member threaded first end portion (col. 3 lns. 11-12) in all positions of the rod. The broad language of claim 1 does not distinguish this structure in Meyer.

10. Claims 1, 2, 4-8, 10-13, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tolbert and Foss.

The Tolbert reference discloses a plunger assembly comprising: a cup (assembly) 2; a tubular member 3 (fixed to 2); a rod 3 (telescoping in the tubular member); and a handle 3 (telescoping in the rod). Therefore, Tolbert teaches all claimed elements except for the tubular member and rod including threaded engagement.

11. Although the locking means of the Tolbert tubular member and rod does not include threaded engagement, as claimed,

Art Unit: 3751

attention is directed to the Foss reference which discloses an analogous tubular member 4 and rod 6 which further includes threaded engagement 7-10. Therefore, in consideration of Foss, it would have been obvious to one of ordinary skill in the extensible handle art to associate threaded engagement with the Tolbert tubular member and rod in order to provide a secure, firm connection.

12. Claims 15-19 are allowable.

13. Applicant is referred to MPEP 714.02 and 608.01(o) in responding to this Office action.

14. The grounds of rejection have been reconsidered in light of applicant's arguments, but are still deemed to be proper.

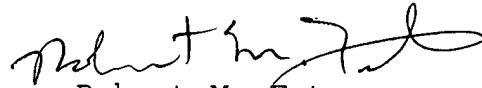
THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 3751

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication should be directed to Robert M. Fetsuga at telephone number 571/272-4886 who can be most easily reached Monday through Thursday. The Office central fax number is 571/273-8300.

A handwritten signature in black ink, appearing to read "Robert M. Fetsuga", with a stylized flourish at the end.

Robert M. Fetsuga
Primary Examiner
Art Unit 3751